

REMARKS

Applicants respectfully request reconsideration of the rejections in view of the following remarks.

In this Response, Applicants amend claims 1, 12, 19, and 20 and address the Examiner's objections and rejections. Amendments to the claims are being made solely to expedite the prosecution and do not constitute an acquiescence to any of the Examiner's objections or rejections. No new matter has been added by way of this amendment. Applicant's failure to comment on the Examiner's rejection of dependent claims constitutes a recognition that such rejections are moot based upon Applicant's comment with respect to the corresponding independent claims. Upon entry of the amendment, claims 1-4, 7-13, and 16-23 are pending.

Claim Objections

The Examiner has objected to claims 8-11, 17-18, and 21-23 as being dependent upon a rejected base claim. However, the Examiner states that these claims would be allowable if they were rewritten in independent form.

Applicants thank the Examiner for identifying these claims as allowable subject matter. Applicants respectfully submit that the independent claims from which the identified claims are also directed towards allowable subject matter. Applicants therefore traverse, and request reconsideration of these objections on the basis of the following remarks.

35 U.S.C. § 112 Rejections

Claim 20 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants

regard as the invention. According to the Examiner, claim 20 includes a means plus function limitation, but the written description fails to disclose the corresponding structure, material, or acts.

Applicants have amended claim 20 to clarify the subject matter which the Applicants regard as their invention. Applicants submit that this rejection is moot in view of the amendment, and therefore respectfully request that the rejection be withdrawn.

35 U.S.C. § 102 Rejections

Claims 1-4, 7, 12-13, 16, and 19-20 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by DE 198 40 576 to Thieler (“Thieler”). According to the Examiner, Thieler discloses a bicycle having front and rear wheels mounted to a frame, wherein the rear wheel comprises a hub mounted planetary gearbox having an outer casing, a spindle and a driven wheel, and wherein the rear wheel is mounted to the frame at one side of the wheel only by means of a rear arm having a transversely extending mounting portion at its rear end, the rear arm being substantially tubular in form with an internal cavity. Applicants respectfully transverse, and request reconsideration.

As a preliminary matter, the Examiner has noted the use of the phrase adapted in the claims is not a positive limitation in any patentable sense. Applicants have amended claims 1, 12, and 19 to remove the word “adapted” in order to expedite prosecution.

Claim 1 recites “[a] bicycle having front and rear wheels mounted to a frame, wherein the rear wheel comprises a hub- mounted planetary gearbox having an outer casing, a spindle and a driven wheel, and wherein the rear wheel is mounted to the frame at one side of the wheel only by means of a rear arm having a transversely-extending mounting portion at its rear end

engaging a bearing mounted externally of the casing of the gearbox, and the rear arm being substantially tubular in form with an internal cavity receiving a driving wheel, the driven wheel, and an endless tension element for transmitting driving force from the driving wheel to the driven wheel.”

In contrast, Thieler neither discloses nor suggests that the rear arm has a transversely-extending mounting portion at its rear end engaging a bearing mounted externally of the casing of the gearbox. Unlike the bicycle recited in claim 1, the bicycle disclosed in Thieler has an axle fixed at one of its ends to the rear arm, extending through the center of the hub, and on which the rear wheel is mounted. Thieler discloses that the multi-speed hub (14) has an axle (10) with a cone or taper attachable to the arm (9) in claim 9. Indeed, while the structure recited in claim 1 provides for minimization of the out-of-line forces on the bearing, resulting in reduced bearing wear, the structure disclosed in Thieler involves a highly stressed joint between the axle and the swinging arm, resulting in a heavier structure.

Applicants therefore submit that Thieler neither discloses nor suggests “a rear arm having a transversely-extending mounting portion at its rear end engaging a bearing mounted externally of the casing of the gearbox,” and that claim 1 is not anticipated by Thieler. Independent claims 12 and 19 recite similar features and therefore are not anticipated by Thieler for at least the same reasons as discussed above. Applicants respectfully request that the rejections be withdrawn, and claims 1-4, 7-13, and 16-23 be allowed.

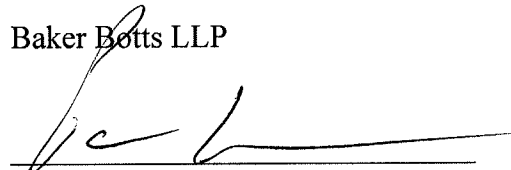
CONCLUSION

On the basis of the foregoing Amendments and remarks, Applicant respectfully submits that the pending claims of the present application are allowable over the prior art of record. Applicants thus respectfully request the previous rejections be withdrawn, and that the pending claims be allowed by the Examiner. If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

If any additional fees are required in addition to the three-month extension fee, the Commissioner is authorized to charge such fee to Deposit Account No. 02-4377. If any overpayment has been made, please credit Deposit Account No. 02-4377.

Respectfully submitted,

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